

AMENDED IN ASSEMBLY APRIL 8, 2010

CALIFORNIA LEGISLATURE—2009—10 REGULAR SESSION

ASSEMBLY BILL

No. 2546

Introduced by Assembly Member Hagman

February 19, 2010

An act to amend Section ~~12125~~ 12132 of the Penal Code, relating to firearms.

LEGISLATIVE COUNSEL'S DIGEST

AB 2546, as amended, Hagman. Firearms.

Existing law, subject to exceptions, subjects any person in this state who manufactures or causes to be manufactured, imports into the state for sale, keeps for sale, offers or exposes for sale, gives, or lends any unsafe handgun, as defined, to imprisonment in a county jail for not more than one year. Existing law, subject to exceptions, requires handguns imported into the state for sale, kept for sale, or offered or exposed for sale, to be tested, as specified, to determine if they are unsafe.

This bill would exempt from those provisions, handguns for which production ceased prior to January 1, 2000, and for which production has not resumed, and handguns that are commemorative or custom-made, and for which production was or is limited to 1,000 or fewer firearms.

~~Existing law, subject to exceptions, provides that any person in this state who manufactures or causes to be manufactured, imports into the state for sale, keeps for sale, offers or exposes for sale, gives, or lends any unsafe handgun shall be punished by imprisonment in a county jail not exceeding one year.~~

~~This bill would make technical, nonsubstantive changes to these provisions.~~

Vote: majority. Appropriation: no. Fiscal committee: no.
State-mandated local program: no.

The people of the State of California do enact as follows:

- 1 *SECTION 1. Section 12132 of the Penal Code is amended to*
2 *read:*
3 12132. This chapter shall not apply to any of the following:
4 (a) The sale, loan, or transfer of any firearm pursuant to Section
5 12082 in order to comply with subdivision (d) of Section 12072.
6 (b) The sale, loan, or transfer of any firearm that is exempt from
7 the provisions of subdivision (d) of Section 12072 pursuant to any
8 applicable exemption contained in Section 12078, if the sale, loan,
9 or transfer complies with the requirements of that applicable
10 exemption to subdivision (d) of Section 12072.
11 (c) The sale, loan, or transfer of any firearm as described in
12 paragraph (3) of subdivision (b) of Section 12125.
13 (d) The delivery of a ~~pistol, revolver, or other firearm capable~~
14 ~~of being concealed upon the person~~ *handgun* to a person licensed
15 pursuant to Section 12071 for the purposes of the service or repair
16 of that firearm.
17 (e) The return of a ~~pistol, revolver, or other firearm capable of~~
18 ~~being concealed upon the person~~ *handgun* by a person licensed
19 pursuant to Section 12071 to its owner where that firearm was
20 initially delivered in the circumstances set forth in subdivisions
21 (a), (d), (f) or (j).
22 (f) The delivery of a ~~pistol, revolver, or other firearm capable~~
23 ~~of being concealed upon the person to a person~~ *handgun* licensed
24 pursuant to Section 12071 for the purpose of a consignment sale
25 or as collateral for a pawnbroker loan.
26 (g) The sale, loan, or transfer of any ~~pistol, revolver, or other~~
27 ~~firearm capable of being concealed upon the person~~ *handgun* listed
28 as a curio or relic, as defined in Section 178.11 of the Code of
29 Federal Regulations.
30 (h) (1) The Legislature finds a significant public purpose in
31 exempting pistols that are designed expressly for use in Olympic
32 target shooting events. Therefore, those pistols that are sanctioned
33 by the International Olympic Committee and by USA Shooting,

the national governing body for international shooting competition in the United States, and that are used for Olympic target shooting purposes at the time that the act adding this subdivision is enacted, and that fall within the definition of “unsafe handgun” pursuant to paragraph (3) of subdivision (b) of Section 12126 shall be exempt, as provided in paragraphs (2) and (3).

(2) This chapter shall not apply to any of the following pistols, because they are consistent with the significant public purpose expressed in paragraph (1):

MANUFACTURER	MODEL	CALIBER
ANSCHUTZ	FP	.22LR
BENELLI	MP90	.22LR
BENELLI	MP90	.32 S&W LONG
BENELLI	MP95	.22LR
BENELLI	MP95	.32 S&W LONG
DRULOV	FP	.22LR
GREEN	ELECTROARM	.22LR
HAMMERLI	100	.22LR
HAMMERLI	101	.22LR
HAMMERLI	102	.22LR
HAMMERLI	162	.22LR
HAMMERLI	280	.22LR
HAMMERLI	280	.32 S&W LONG
HAMMERLI	FP10	.22LR
HAMMERLI	MP33	.22LR
HAMMERLI	SP20	.22LR
HAMMERLI	SP20	.32 S&W LONG
MORINI	CM102E	.22LR
MORINI	22M	.22LR
MORINI	32M	.32 S&W LONG
MORINI	CM80	.22LR
PARDINI	GP	.22 SHORT
PARDINI	GPO	.22 SHORT
PARDINI	GP-SCHUMANN	.22 SHORT
PARDINI	HP	.32 S&W LONG
PARDINI	K22	.22LR
PARDINI	MP	.32 S&W LONG
PARDINI	PGP75	.22LR
PARDINI	SP	.22LR

1	PARDINI	SPE	.22LR
2	SAKO	FINMASTER	.22LR
3	STEYR	FP	.22LR
4	VOSTOK	IZH NO. 1	.22LR
5	VOSTOK	MU55	.22LR
6	VOSTOK	TOZ35	.22LR
7	WALTHER	FP	.22LR
8	WALTHER	GSP	.22LR
9	WALTHER	GSP	.32 S&W LONG
10	WALTHER	OSP	.22 SHORT
11	WALTHER	OSP-2000	.22 SHORT

12

13 (3) The department shall create a program that is consistent with
 14 the purpose stated in paragraph (1) to exempt new models of
 15 competitive firearms from this chapter. The exempt competitive
 16 firearms may be based on recommendations by USA Shooting
 17 consistent with the regulations contained in the USA Shooting
 18 Official Rules or may be based on the recommendation or rules
 19 of any other organization that the department deems relevant.

20 (i) The sale, loan, or transfer of any semiautomatic pistol that
 21 is to be used solely as a prop during the course of a motion picture,
 22 television, or video production by an authorized participant therein
 23 in the course of making that production or event or by an authorized
 24 employee or agent of the entity producing that production or event.

25 (j) The delivery of a ~~pistol, revolver, or other firearm capable~~
 26 ~~of being concealed upon the person~~ *handgun* to a person licensed
 27 pursuant to Section 12071 where the firearm is being loaned by
 28 the licensee to a consultant-evaluator.

29 ~~(k) The delivery of a pistol, revolver, or other firearm capable~~
 30 ~~of being concealed upon the person by a person licensed pursuant~~
 31 ~~to Section 12071 where the firearm is being loaned by the licensee~~
 32 ~~to a consultant-evaluator.~~

33 ~~(l)~~

34 (k) The return of a ~~pistol, revolver, or other firearm capable of~~
 35 ~~being concealed upon the person to a person~~ *handgun* licensed
 36 pursuant to Section 12071 where it was initially delivered pursuant
 37 to subdivision ~~(k)~~ (j).

38 (l) *Handguns for which production ceased prior to January 1,*
 39 *2000, and for which production has not resumed.*

1 (m) *Handguns that are commemorative and for which total*
2 *production was or is limited to 1,000 or fewer firearms.*

3 (n) *Handguns that are custom-made and for which total*
4 *production was or is limited to 1,000 or fewer firearms.*

5 SECTION 1. ~~Section 12125 of the Penal Code is amended to~~
6 ~~read:~~

7 ~~12125. (a) Commencing January 1, 2001, any person in this~~
8 ~~state who manufactures or causes to be manufactured, imports into~~
9 ~~the state for sale, keeps for sale, offers or exposes for sale, gives,~~
10 ~~or lends any unsafe handgun shall be punished by imprisonment~~
11 ~~in a county jail not exceeding one year.~~

12 ~~(b) This section shall not apply to any of the following:~~

13 ~~(1) The manufacture in this state, or importation into this state,~~
14 ~~of any prototype handgun when the manufacture or importation~~
15 ~~is for the sole purpose of allowing an independent laboratory~~
16 ~~certified by the Department of Justice pursuant to Section 12130~~
17 ~~to conduct an independent test to determine whether that handgun~~
18 ~~is prohibited by this chapter, and, if not, allowing the department~~
19 ~~to add the handgun to the roster of handgun that may be sold in~~
20 ~~this state pursuant to Section 12131.~~

21 ~~(2) The importation or lending of a handgun by employees or~~
22 ~~authorized agents of entities determining whether the weapon is~~
23 ~~prohibited by this section.~~

24 ~~(3) Firearms listed as curios or relics, as defined in Section~~
25 ~~478.11 of Title 27 of the Code of Federal Regulations.~~

26 ~~(4) The sale or purchase of any handgun, if the handgun is sold~~
27 ~~to, or purchased by, the Department of Justice, any police~~
28 ~~department, any sheriff's official, any marshal's office, the Youth~~
29 ~~and Adult Correctional Agency, the California Highway Patrol,~~
30 ~~any district attorney's office, or the military or naval forces of this~~
31 ~~state or of the United States for use in the discharge of their official~~
32 ~~duties. Nor shall anything in this section prohibit the sale to, or~~
33 ~~purchase by, sworn members of these agencies of any handgun.~~

34 ~~(e) Violations of subdivision (a) are cumulative with respect to~~
35 ~~each handgun and shall not be construed as restricting the~~
36 ~~application of any other law. However, an act or omission~~
37 ~~punishable in different ways by this section and other provisions~~
38 ~~of law shall not be punished under more than one provision, but~~

1 the penalty to be imposed shall be determined as set forth in Section
2 654.

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